

orders for payments, in the form of awards or stipulation agreements, are filed with the Division's central office in Jefferson City. Payment orders are entered on the computer with payments for lifetime benefits prepared and distributed by the Missouri Office of Administration. Other Fund benefits are processed and mailed from the Division's central office.

Direct deposit into the employee's bank account is a service available to claimants receiving lifetime benefits. Liens for child support filed by the Department of Social Services or by a private party, are deducted from payments. Medicaid liens, filed by the Missouri Department of Social Services, may be honored before payments are made to the injured worker.

### Financing The Fund

The Fund is financed by a surcharge on employers' workers' compensation premiums and equivalent premiums for self-insured employers. As a result of changes to the law in 1993, this surcharge can be reduced or suspended when the balance in the fund exceeds a certain amount.

### Contacts For Information

Missouri Division of Workers' Compensation  
Second Injury Fund Payment Processing Unit  
P.O. Box 58  
Jefferson City, MO 65102-0058  
(573) 526-4963 or (573) 526-3543  
[www.dolir.mo.gov/wc](http://www.dolir.mo.gov/wc)

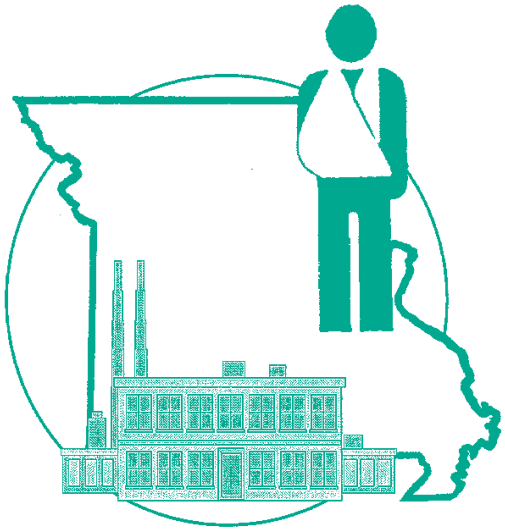
Office of Attorney General  
P.O. Box 899  
Jefferson City, MO 65102-0899  
(573) 751-3321

Toll-Free EMPLOYEE Help Line  
1-800-775-2667

Toll-Free EMPLOYER Help Line  
1-888-837-6069

Missouri Division of Workers' Compensation  
P.O. Box 58  
Jefferson City, MO 65102-0058

# Missouri's Second Injury Fund



Missouri Department of  
Labor and Industrial Relations  
**DIVISION OF  
WORKERS' COMPENSATION**

In 1943, the Workers' Compensation Law was amended to benefit the physically handicapped and individuals with a previous workplace-related disability. The amendment helped employers by limiting liability to only the current injury that results in permanent total disabilities. When an employee is injured, with the combined effect of the injury and prior disability resulting in permanent total disability, or increased permanent partial disability, the employer, at the time of the last injury, is liable only for compensation for the most recent injury. The remaining compensation due is paid from the Second Injury Fund.

Over the years, the Fund has expanded to cover not only permanent total injuries and disabilities, but also other disabilities and other types of benefits.

## Disability Benefits

The Second Injury Fund encourages employment by permitting persons to be employed without exposing employers to any liability for previous disabilities. For example, a worker injured five years ago in an industrial accident had limited use of the arm because of that injury. Another injury occurs to the same person now and results in injury to the right shoulder. It is determined that the most recent injury, when combined with the previous injury occurring years earlier, caused the employee to have a greater permanent disability than the two injuries would cause separately. The employer, at the time of the last injury, is liable only for the compensation for most recent injury when the combined effect of the injury and prior disability results in permanent total disability or increased permanent partial disability. The remaining compensation due is paid from the Second Injury Fund. Liability for the

fund was expanded in 1955 to include any permanent partial disability compounded by a subsequent injury, without restriction as to type or extent.

## Medical and Death Benefits

The Fund is also responsible for payment of medical bills for employees of employers who fail to insure when required to by law. In addition, if the employee is killed, burial expenses and death benefits in the form of weekly payments to the surviving spouse or dependents of the employee are paid from the Fund if the employer is uninsured.

## Rehabilitation Benefits

The Fund also provides benefits to an injured employee who is undergoing physical rehabilitation. To qualify for these benefits, the employee must be seriously injured. Serious injuries that may qualify for physical rehabilitation include: quadriplegia, paraplegia, amputation of the hand, arm, foot or leg, atrophy due to nerve injury or non-use, and back injuries not amenable alone to recognized medical and surgical procedures.

Only those seriously injured employees receiving physical rehabilitation in a facility certified by the Division of Workers' Compensation are entitled to the additional benefits. This does not mean the employee cannot be rehabilitated in other facilities. However, the employee is not eligible for the Second Injury Fund rehabilitation benefits if the employee uses a facility not certified by the Division.

The Division reviews Reports of Injury (Form 1) to identify those injured employees who may qualify for the additional benefit. When the employee meets the criteria and is receiving services from a certi-

fied facility, the Director of the Division of Workers' Compensation grants an order for physical rehabilitation, and requisitions \$40.00 in weekly payments from the Second Injury Fund for up to 20 weeks. This benefit is paid directly to the employee only for the period the employee is actually receiving physical rehabilitation services. In unusual cases, benefits may be provided by special order for longer than the 20-week period.

The Division generally initiates physical rehabilitation benefits after a review of the injury and medical reports. The Division receives many referrals from attorneys, case managers and physical therapists.

## Second Job Lost Wages

For injuries that occur after August 28, 1998, an injured employee may be eligible for second job lost wage benefits. The employee must be injured on the job with the first employer. If the employee is unable to work at a second job as a result of the injury, these benefits may be claimed from the Second Injury Fund.

The employee should contact the Division on the Toll-Free Employee Hotline, 800-775-2667, to request claim forms. The Missouri Attorney General's office will review the claim to determine if benefits should be paid. If the Assistant Attorney General agrees, an order for payment of benefits will be issued. If benefits are disputed, the employee should contact the local Workers' Compensation office for a docket setting.

## How To Apply For Benefits

Only the employee, the employee's attorney or the employee's dependent can make a claim against the Second Injury

Fund. Employees may hire their own attorney to represent their interests when filing for the benefits. Attorneys represent most employers and insurers. Claims for permanent total and permanent partial benefits, uninsured employer medical costs, second job lost wages, or death benefits are made by filing a Form 21, Claim for Compensation form, indicating at the bottom of page 1 that Second Injury Fund benefits are being sought.

## What Happens After a Claim is Filed?

1. The Second Injury Fund has thirty (30) days in which to respond to the filing of a claim. The Missouri Attorney General's office has responsibility for defending the Second Injury Fund and will file an answer to the Claim for Compensation in the same manner as answers are filed for other workers' compensation claims.
2. A claim against the Second Injury Fund must be specific, indicating the date of occurrence of the previous injury and the part of the body disabled. In proceedings before the Division of Workers' Compensation, eligibility for benefits is determined based upon medical evidence.
3. As in other workers' compensation cases, the Second Injury Fund or the claimant may appeal the decision of an administrative law judge to the Labor and Industrial Relations Commission. A Commission decision may be appealed to the appellate courts.

## How Payments Are Made

If the employee is found eligible for benefits from the Second Injury Fund,